

REMARKS

The Examiner has allowed claims 16, 19, 21, 25, 26 and 29-32.

Claims 4 and 5 are objected to. Claims 4 and 5 have been rewritten in independent form and are believed allowable.

Claims 1-3, 6-15, 17, 18, 20, 22-24 and 27 were rejected.

At page 2, paragraphs 1-2 of the Office Action, the Examiner outlined objections under Section 112. Amendments have been made to all the claims that are discussed in paragraphs 1 and 2 on page 2 of the Office Action. It is believed that these amendments cure any indefiniteness under Section 112.

The Examiner objects to the use of the term “water barrier pipe means” in claim 32. However, the specification has been amended to add that language.

The Examiner rejected claims 1 and 10-15 under 35 U.S.C. § 102(b) as being anticipated by Turzillo. That rejection is contained at paragraph 5 of the Office Action. Claims 1 and 10-15 have been amended to point out that the plurality of hollowed pile sections are connected to the upper end portion of the helical anchor. This differs from Turzillo wherein the structure 11 cited by the Examiner as being a hollow pipe section surrounds and extends substantially the full length of the helical section. Therefore, Turzillo does not teach a helical anchor having an upper end portion to which upper end is attached the hollow pile sections. This construction enables the helical anchor to track a path into the earth that is followed by the hollowed pile sections and enabling an optional filler material such as grout or concrete to be added to the hollow bore. This method and apparatus sought to be patented affords advantages not found in Turzillo, namely that the anchor of the present invention receives tensile load carrying capacity from the helical anchor and compressive load carrying capability from the hollow pile sections that can be filled with a grout or concrete filler or the like. However, the larger diameter hollow pile sections are strong in compression even if they are not filled with a filler material.

The Examiner rejected claim 2 under 35 U.S.C. § 103(a) as being unpatentable over Turzillo in view of Baumann. It is believed that that rejection is now moot in view of the amendments to claim 1. Claim 2 is believed allowable because it depends from newly amended claim 1.

Claim 3 was rejected under 35 U.S.C. § 103(a) as unpatentable over Turzillo in view of

Baumann and further in view of Fujita. This rejection is believed moot in view of amendments to claim 1 in that claim 3 depends from claim 2 which now depends from amended claim 1. Claim 1 is believed allowable for the reason stated above. Therefore, it is believed that claims 2 and 3 are allowable as they depend from claim 1.

The Examiner indicates that claim 20 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112. Claim 20 has been rewritten and is now believed allowable. Claim 20 has been amended to provide proper antecedent basis.

The Examiner indicates that claims 6-9 would be allowable if rewritten or amended to overcome the rejection under Section 112. Claim 6 has been amended to provide proper antecedent basis as to all terms and is now believed allowable. Therefore, claims 7-9 that depend from claim 6 are now believed allowable.

Claim 17 has been amended to provide proper antecedent basis. Claim 17 is believed allowable. Claim 18 is believed allowable because it depends from amended claim 17.

Claim 22 is believed allowable because it has been amended to provide proper antecedent basis. Claims 23 and 24 are now believed allowable as they depend from newly amended claim 22.

Claim 27 is believed allowable because of amendments that have been made to claim 27 to provide proper antecedent basis. Claim 28 is believed allowable because it now depends from amended claim 27.

Based upon the above amendments and comments, reconsideration and Notice of Allowance is respectfully requested.

Should the Examiner feel that a telephone conference would advance the prosecution of this application, he is encouraged to contact the undersigned at the telephone number listed below.

Applicant respectfully petitions the Commissioner for any extension of time necessary to render this paper timely.



No fee is required. Please charge any additional fees due or credit any overpayment to

Deposit Account No. 50-0694.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Response, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 31 day of July, 2003.

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